



SO ORDERED.

SIGNED this 4th day of May, 2016.


LENA MANSORI JAMES
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

In Re:)	
)	Case No. 16-50003
THERESA BYARS RICHARDSON,)	
)	Chapter 7
)	
)	
Debtor.)	
)	

**ORDER AVOIDING JUDICIAL LIEN OF THOMAS CONCRETE OF
CAROLINAS, INC.**

This matter comes before the Court on a motion to avoid a judicial lien held by Thomas Concrete of Carolinas, Inc. ("Respondent") pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014. Having considered the motion and other matters of record in this case, the Court finds and concludes:

1. All parties in interest have received due notice of the motion and no party timely objected to the relief requested in the motion.
2. Respondent holds a judicial lien which impairs an exemption that has been claimed by Debtor in the following property: the real property located at 2135 Gheen Rd., Salisbury, North Carolina 28147 (the "Property").
3. The property is encumbered by the following liens of priority:
 - a. Deed of Trust held by Seterus, which secures indebtedness with an unpaid balance of \$172,463.46 as of the petition date;
 - b. Judicial Lien held by the IRS Federal Tax Lien (13-M-435), which secures indebtedness with an unpaid balance of \$70,603.18 as of the petition date;

- c. Judicial Lien held by the IRS Federal Tax Lien (14-M-75), which secures indebtedness with an unpaid balance of \$31,809.53 as of the petition date;
 - d. Judicial Lien held by the Communityone Bank N. A. (13-CVS-1714), which secures indebtedness with an unpaid balance of \$171,077.58 as of the petition date;
 - e. Judicial Lien held by SunTrust (14-CVD-1471), which secures indebtedness with an unpaid balance of \$57,164.01 as of the petition date;
 - f. Judicial Lien held by Respondent ("Respondent's Judicial Lien") pursuant to a judgment or transcript of judgment that was recorded in the Office of the Clerk of Superior Court of Rowan County in Judgment Book 001 in the amount of \$174,816.25 including attorney's fees, costs and interest of \$89,603.96 as of the petition date.
- 4. The Debtor claimed an exemption in the Property of \$35,000.00 pursuant to N.C.G.S. section 1C-1601(a)(1-9).
 - 5. The total value of the Property as of the petition was \$332,500.00 and the value of the Debtor's interest in the Property as of the petition date was \$332,500.00.
 - 6. The total aggregate of all liens on the Property and the value of the Debtor's exemption exceeds the value of Debtor's interest in the Property by an amount equal to or greater than the amount of Respondent's Judicial Lien. Respondent's Judicial Lien fully impairs Debtor's exemption, therefore, Respondent's Judicial Lien may be completely avoided pursuant to 11 U.S.C. § 522(f)(1).

THEREFORE, IT IS ORDERED that Respondent's Judicial Lien be and hereby is AVOIDED AND CANCELLED as to the Property and Respondent's Judicial Lien shall have no further force or effect as to the Property.

END OF DOCUMENT

ALL PARTIES IN INTEREST

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